

## PROBATE CALENDAR NOTES

August 7, 2020

8:30 AM, Department 40

Placer County Superior Court

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties. *Due to possible delays in processing new filings, it is recommended all papers be filed at the earliest opportunity.*

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **August 7, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.


Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

---

### 1. S-PR-0006879 Ybarra, Dorothy S. - In Re the Trust of

Appearance is required for hearing on trustee account.

Trustee's response to objections by Edward Ybarra is needed.

 As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**2. S-PR-0008246 H N Krenkel Trust; In re the**

In the absence of objections by either the trustee or the Attorney General, the petition for instructions is recommended for approval as prayed.

**3. S-PR-0009498 Hartley, Raynee Lynette - In Re Estate of**

Petition for final distribution is recommended for approval as prayed.

Note: no personal property was inventoried to the estate or appraised. All personal property sales should have been accounted for as property on hand or additional property received, with corresponding gains or losses on sale. However, as presented, the account appears to be sufficiently accurate, complete and easily understood.

**4. S-PR-0009529 Pantoja Fam Liv Trust; In re the**

It is recommend this trial setting hearing be continued to August 28, 2020, 8:30 a.m., in Department 40, to be heard with the first amended petition to determine invalidity of trust restatements.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**5. S-PR-0009813 K A Greene Spec Needs Trust; In re the**

Appearance is required for hearing on 17th special needs trust account.

Trustee response is needed: proposed bond appears to be based on end-of-account property-on-hand carry value rather than market value, without income. Trust requires bond "for the assets and income of the trust." Trust, § 10.3. If the trust were to be established now, C.R.C. 7.903(c)(5), Prob.C. § 2320(c)(4) and C.R.C. 7.207 would govern bond. Trustee should address (i) whether the proposed bond is adequate under the Trust § 10.3 and (ii) whether the court should require bond to be calculated under the stricter C.R.C. and Probate Code bond requirements.

Trustee response is needed: account shows a \$1,000 gift in derogation of Trust § 10.5(x).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**6. S-PR-0009835 William L Widdifield Fam Rev Trust - In re the**

Appearance is required for continued status hearing and trial setting on amended petition to determine trust invalidity and for other relief.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**7. S-PR-0009932 Kelley, Linda D. - In re the Estate of**

Petition for final distribution is recommended for approval as prayed.

**8. S-PR-0010111 Moreland, Donna L. - In re the Estate of**

Court determination needed: notice filed June 15 fails to refer to the amended petition (C.R.C. 7.50); publication filed July 31 refers to a "second amended" petition, although no second amended petition has been filed. In light of the numerous notices and hearings and the lack of any apparent opposition to the proceedings, it is recommended the court excuse any further notice.

Missing required allegations at 5a(7)-(8) (issue of predeceased child(ren)).

Clarification is needed: ¶¶ 5 & 8 allege that decedent was survived by children ; ¶ 6h and ¶ 7b both allege decedent was survived by no issue (both ¶¶ 6 & 7 are used only if no spouse or issue survived).

Note: signed duties form (DE-147) was not filed. Clerk cannot issue letters until signed duties form is filed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**9. S-PR-0010115 Minor Rev trust - In re the**

Appearance is required for continued hearing on petition to remove trustee, elder abuse, POA orders.

The court cannot reasonably evaluate notice because neither the 2016 restatement nor the 2011 trust was provided with the petition.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**10. S-PR-0010119 2004 Regan Fam Rev Trust; In re the**

Appearance is required for continued hearing on petition to suspend / remove trustee and for other relief.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**11. S-PR-0010121 Angela Marie Lopes Trust - In re the**

Appearance is required for hearing on amended petition to approve resignation of trustee and appointment of successor trustee, and to approve trustee accounts.

Missing beneficiary nomination / request to waive bond as to proposed successor trustee.

First trustee account

Clarification is needed: account shows substantially more income disbursements than recorded income without explanation. Distributions to conservatee are not allocated to either income or principal, without explanation.

Clarification is needed: account includes expenditures for both "property expenses" and "rental property expenses." The schedule of assets shows a single real property. It is unclear why expenditures are divided between "property" and "rental property" expenditures. Additionally, the combined "property" expenditures exceed \$21,000 during the account period on less than \$12,000 in rental income, without explanation.

Clarification is needed: account shows several entries for "payment of mortgage of non-trust property," without explanation.

Amended second trustee account

Clarification is needed: distributions to conservatee are not allocated to either income or principal, without explanation.

Clarification is needed: account includes expenditure for travel to related to emptying a storage unit, without explanation. Property on hand schedules do not include any tangible personal property.

Clarification is needed: account includes vehicle expenses (registration, AAA membership, vehicle repairs), without explanation. Property on hand schedules do not include any vehicle.

Clarification is needed: account shows numerous entries for "loans to client," without explanation.

Clarification is needed: account appears to show a credit line or other indebtedness, without explanation.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**12. S-PR-0010142 Riesco, Mario ; In re the Matter of**

Missing 15 days' personal service of notice of hearing to Transamerica. Service by mail is not sufficient, Prob.C. § 4544(b).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**13. S-PR-0010159 Brown, Larry Elliott - In Re Estate of**

Petition for special administration

Appearance is required for hearing on petition for special administration.

It is recommended the court require notice of the petition to Linda Peterson, Prob.C. § 1202.

Clarification is needed: it appears that Josine Brown attempted to dismiss the petition on or about July 9, 2020. Petitioner should clarify whether she intends to proceed with this petition.

Will contest

Appearance is required for hearing on will contest.

Missing summons and service of summons on will contest, Prob.C. §§ 8250-8251.

Court determination needed: court to determine whether will contest can be heard where no petition for probate is pending. Petition for probate was previously denied, and no petition to admit the will to probate appears to be before the court.

Note: will lodged with the court with the original petition was presented as and appears to be an original document.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**14. S-PR-0010165 Kelsey, Anna Fey- In re the Estate of**

Petition to administer estate is recommended for approval as prayed.

**15. S-PR-0010166 Geil Family Trust - In re the**

Appearance is required for hearing on petition to modify irrevocable trust.

Minor beneficiaries are not represented in the proceedings. Appointment of a guardian ad litem appears to be needed. Appointment of a disinterested GAL for minor beneficiaries is recommended.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**16. S-PR-0010168 Betty B Domschot Liv Trust; In re the**

Notice of hearing filed April 28 omits information required by Prob.C. § 851(c)(1) & (3). Mandatory Judicial Council form DE-115 was adopted for § 851 notice. New notice and service or waivers of hearing are needed.

Missing counsel signature on the petition, C.C.P. § 128.7(a).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**17. S-PR-0010169 Leland A Michaud Rev Trust; In re the**

Petition to determine trust property is recommended for approval as prayed.

**18. S-PR-0010194 Huguette N Burnett Rev Trust; In re the**

The petition for instructions is continued, on the court's motion, to September 4, 2020, 8:30 a.m., in Department 40, to be heard with the related case *In re the Huguette N Burnett Rev Trust*, case S-PR-0010311.

**19. S-PR-0010225 Zukosky, Albert William Jr – In re the Estate of**

Petition to administer estate is recommended for approval as prayed.

**20. S-PR-0010340 Joseph L Frey & Rita M Frey Rev Trust; In re the**

Appearance is required for hearing on petition to modify trust.

Missing direct service to Joseph Frey, C.R.C. 7.51.

It is recommended the court deny the request to appoint petitioner as guardian ad litem for allegedly incapacitated settlor Joseph Frey. Appointment of a disinterested guardian ad litem is recommended.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**21. S-PR-0010341 Boris Lehr & Brigitte U Lehr Rev Trust; In re the**

Missing notice of hearing on petition to determine trust property. Missing service of notice of hearing to trust remainder beneficiaries. Although the beneficiaries consent to the petition, they did not waive service of notice of hearing.

Missing service of notice of hearing with copy of the petition to Genworth pursuant to Prob.C. § 851(a)(2).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**22. S-PR-0010342 Fay R McBride Rev Trust; In re the**

Missing sufficient notice of hearing. Notice filed July 15 omits information required by Prob.C. § 851(c)(1) & (3). Use of mandatory form DE-115 is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**23. S-PR-0010343 Brocker Fam Trust; In re the**

Appearance is required for hearing on petition to determine invalidity of trust and for other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**24. S-PR-0010355 Shank, Lindsey Claire - In re the Estate of**

Petition to administer estate is recommended for approval as prayed.